

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.

Medina, North Dakota)

MM Docket No. _____
RM- _____

To: Chief, Allocations Branch, Mass Media Bureau

PETITION FOR RULE MAKING

High Plains Broadcasting, Inc. ("HPBI"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, respectfully requests that the Commission institute a rule making proceeding to allot Channel 222C to Medina, North Dakota.

As set forth in the attached Technical Exhibit, which is incorporated by reference herein, this proposal will serve the public interest. The allotment of Channel 222C to Medina, North Dakota, will provide that community with its first local aural transmission service. Medina, a census designated city of 387 persons, see 1990 *Census of Population and Housing, North Dakota* at 40 (1993), is located 29 miles west of Jamestown. The community, which elects its own mayor and city council and has its own zip code and post office (58467), also is the site of the Medina Public School and maintains the Medina Fire Department, which serves Medina as well as nearby areas. Commercially, Medina has a number of business enterprises, including Medina Exchange Bank of Steele, Medina Beauty Salon, Medina Farmers Union Grain Company and the Farmers Union Oil Co-op, Medina Plumbing and Heating, and Medina's Cozy Corners Motel. Medina also has a health clinic. At least three religious denominations maintain buildings and services in Medina, including the English

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Lutheran Church, the United Church of Christ, and the United Methodist Church. In addition, Medina has its own social organizations, including an American Legion group, a Sportsman Club, a Lions Club, a Farmers of America chapter, and a 4-H Club. Under Commission precedent, the presence of these civic, business, religious and social indicia demonstrate that Medina is a community deserving of its own aural transmission service. See, e.g., *Report and Order (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (1991). That the local phone book has a section entitled Medina confirms this result. See attached.

The above proposal would enable Medina to obtain its own FM broadcast service and would provide a means of entertainment and information for its residents. If the above proposal is approved, it is HPBI's intention to apply for the above allotment promptly and, once granted, to implement construction as quickly as possible. Accordingly, it is respectfully requested that the Commission issue a Notice of Proposed Rule Making as herein requested and thereafter adopt such a proposal.

Respectfully submitted,

**HIGH PLAINS
BROADCASTING, INC.**

By: 
F. William LeBeau

HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004-1109
(202) 637-5706

Its Attorneys

November 19, 1998

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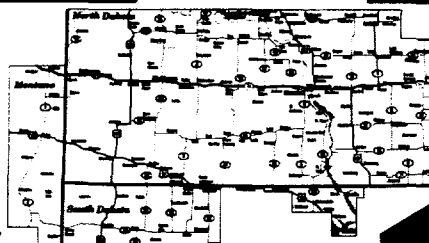
Finally, Local Service and
Long Distance from
one company
see page 2

Almont
Anidon
Apple Valley
Arena
Ashley
Baker, MT
Baldwin
Beach
Belfield
Bentley
Beulah
Big Bend
Bismarck
Bison, SD
Bowdon
Bowman
Braddock
Breien
Bucyrus
Buffalo, SD
Bullhead, SD
Burnstad
Burt
Camp Crook, SD
Cannon Ball
Capitol, MT
Carlyle, MT
Carson
Center
Chaseley
Coleharbor
Crystal Springs
Dawson
Denhoff
Dickinson
Dodge
Driscoll
Dunn Center
Ekalaka, MT
Elgin
Fairfield
Falkirk
Flasher
Fort Clark
Fort Rice
Fort Yates
Fryburg
Gascoyne
Gladstone
Glen Ullin
Golden Valley
Golva
Goodrich
Grassy Butte
Hague

Halliday
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Haynes
Hazelton
Hazen
Hebron
Heil
Hensler
Hettinger
Hodges, MT
Huff
Hull
Hurdfield
Judson
Kenel, SD
Killdeer
Kintyre
Ladd
Ladner, SD
Lake Isabel
Lake Williams
Lark
Lefor
Lehr
Leith
Lemmon, SD
Lincoln
Linton
Lodgepole, SD
Ludlow, SD
Mahto, SD
Mandan
Manning
Marmarth
Marshall
McClusky
McIntosh, SD
McKenzie
McLaughlin, SD
Meadow, SD
Medina
Medora
Menoken
Mercer
Mill Iron, MT
Mohridge, SD
Moffit
Morristown, SD
Mott
Napoleon
New England
New Hradec
New Leipzig
New Salem
North Lemmon

Northwood Estates
Ollie, MT
Pettibone
Pick City
Plevna, MT
Pollock, SD
Prairie City, SD
Price
Raleigh
Ralph, SD
Reeder
Regan
Regent
Reva, SD
Rhame
Richardton
Riverdale
Robinson
Saint Anthony
Scranton
Selfridge
Sentinel Butte
Shadehill, SD
Shields
Solon
Sorum, SD
South Heart
Stanton
Steele
Sterling
Strasburg
Streeter
Tappen
Taylor
Temvik
Trotters
Turtle Lake
Tuttle
Twin Butte
Twin Buttes
Underwood
Wakpala, SD
Washburn
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Jerry & Carolyn 12750 212th Av 788-2290
Sons Inc 21151 114th St 788-2974

POLICE

911

RESOLER Arthur J Box 236 788-2883
Raymond PO Box 264 788-2885
Bison Residence 244-7100
SCHOOL School 19327 SD Hwy 20 788-2878

R

RESOLER Fred & Renee PO Box 237 788-2898
RESOLER Fred 18012 Ada Rd Bison 788-2219
RESOLER Margaret Lyon 13518 200th Av 788-2281
RESOLER James Lake Cabin 788-2990
RESOLER 11546 S Cabin Rd Shadehill 788-2224
RESOLER Robert 12760 211th Av 788-2273
RESOLER Mark 13088 198th Av 788-2225
RESOLER Bernadette PO Box 268 788-2898
RESOLER Plumbing & Electric PO Box 237 788-2937
RESOLER H James HCR 68 Box 529 788-2999
Ruth 19052 Rolling Hills Rd

S

SCHMANN Jeff & Carla 788-2915
Lake Cabin 11549 S Cabin Rd Shadehill 788-2938
SCHMANN David 18913 Bakke Rd 788-2899
SCHMANN Emil & Gladys 19095 Bakke Rd Shadehill 788-2237
James Box 238 788-2234
Schmidt 19073 Bakke Rd Shadehill

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SCHLEY Bob 12498 SD Hwy 73 788-2241
SCHMIDT Bob Pastor 13474 SD Hwy 73 788-2945
SCHOPP Arnold & Melody 12178 SD Hwy 73 788-2243
Fred 12861 211th Av 788-2245
Ray & Julie HC 68 Box 570A 788-2913
SEIM Gregg 19454 Foster Rd 788-2951
Wilford 12014 White Butte Rd Shadehill 788-2228
SEXTON Nolan 14552 Rabbit Creek Rd Bison 788-2251
SEXTON Trucking 14552 Rabbit Creek Rd Bison 788-2979
If No Answer Call 788-2251
SMITH William J & Charlotte 788-2257
19149 123rd St Shadehill
Ruger Place 12900 198th Av 788-2226

SOUTH DAKOTA STATE OF

See Blue Government Section Page 101
STORM Daryl & Geraldine 12798 198th Av 788-2262
David & Patti 13553 SD Hwy 73 788-2858
Milton & Pearl HCR 68 Box 528 788-2264
Scott 17919 Usta Rd 788-2952

U

UPS/UNITED Parcel Service 800 742-5877
UNITED STATES GOVERNMENT
See Blue Government Section Page 101

V

VEAL Beryl R 14207 Owen Lake Rd 788-2276
Christine 14209 Owen Lake Rd 788-2278

PETIK—GUTHMILLER 585

VEAL Francis & Lorraine 18736 Chance Rd 788-2284
Greg 14211 Owen Lake Rd 788-2266
Larry & Verlyn 18732 Chance Rd 788-2286
Or 788-2955
Nobel & Marguerite (Marg) 18753 Chance Rd 788-2299
Reid 18731 Chance Rd 788-2967
Travis 18734 Chance Rd 788-2270
VEAL Trucking Inc 18736 Chance Rd 788-2922

W

WEST River Cooperative Telephone Co 244-5213
PO Box 39 Bison
Cable Location Call 811
Toll Free Dial 1 & Then 800 781-7474
Billing Inquiry 611
Telephone Repair-Connects-Disconnects 611
Colle Nash 244-5538
Mike Lockert 788-2275
Russell Peacock 244-5519
Linus Wandler 244-5540
John Harrington 788-2806
WEST River Machine Box 274 788-2983
WECHMANN Jonathan 19027 Bald Butte Rd Shadehill 788-2852
WILKEN Donald & Lula Mae 18865 Happy Hill Rd 788-2855
Gary & Lori 18867 Happy Hill Rd 788-2850
George 18848 Usta Rd 866-4463
WINDOW & Wall Treats HC 66 Box 33 Reva 800 847-2085
Toll Free Dial 1 & Then 788-2862
WITTE Charles R HCR 68 Box 537 788-2862
Robert W HCR 68 Box 537 788-2879
WOLFF Richard 12998 SD Hwy 73 788-2966
Tracy 12811 SD Hwy 73

MEDINA

AREA CODE 701

ZIP CODE 58467

A

AMBULANCE

911

AMERICAN Airlines Inc 800 433-7300
Passenger Reservation & Information
Toll Free Dial 1 & Then
WOODCO Oil Products Pipeline RR 486-3336
WOMES Alan 509 Clinic St NE 486-3339
WOMES Bryan & Vicky farm 486-3433
WOMES Lester & Rosalie farm
WOODCO Products Inc
Toll Free Dial 1 & Then 800 858-8000

B

BENDER Ernest H & Frieda 486-3572
BENDER Vernon & June farm 486-3472
BELL Jeffrey R & Tammy 104 3 Av NW 486-3484
BELL Of Steele Medina Exchange 486-3184
BENI Dennis farm 486-3246
BELLIPS C B Pastor 201 College St E 486-3369
BEE-NE Bakery 486-3461
BOW Frank 486-3396
John 486-3505
Leo 486-3313
Nabi 207 5 Av NE 486-3372
BOWTTS Dept Store 486-3215
BILZ Luke & Mary 109 School St E 486-3231
Virgil 486-3584
BOWEN Arrow The RR 486-3354
BOWEN Curtis & Patricia 106 Water St E 486-3140
BURLINGTON Northern Railroad 486-3167
BUTON O'Dowd 486-3174
BUSH William R 310 3 Av SW 486-3281
BUSINESS Gordon 201 School St SE 486-3156

C

CABLE TV Of Medina 800 532-8645
Toll Free Dial 1 & Then
CENEX 401 1 Av S 486-3141

D

DAKOTA Central Rural Telephone Cooperative Assn 652-3184
630 N 5 St Carrington
Business Office 674-8110
Repair Service
Buried Cable Service-Call
Before Digging 674-8110
Central Dakota TV Inc 674-8122
DAKOTA Clinic Ltd-Medina 600 Water St E 486-3550
DAMMEL Reinhold J & Agnes Water St & 2 Av 486-3115
DAMMEL Reuben farm 486-3429
DAVIS Everard 113-12 2 Av NW 486-3513
DEKREY Joe farm 486-3220
DEUTSCHER David V & Linda M farm 486-3354
DEUTSCHER Gust & Pauline 486-3383
DEWALD Adolph & Verna 486-3391
DIKOFF Gottfried farm 486-3437
DOCKTER Arnold J farm 486-3474
DOCKTER Daniel F farm 486-3450
DOCKTER Darcy & Tammy farm 486-3501
DOCKTER Darin & Jodi farm RR 486-3279
DOCKTER Dwight & Christina farm 486-3494
DOCKTER Florence & Bobby 509 Water St W 486-3514
Marvin W 486-3290
DOCKTER Maynard farm 486-3408
DOCKTER Scott & Melissa farm 486-3524
DOCKTER Walter H 307 Water St W 486-3321
DONAT Marvin & Hilda 486-3165

E

EASTSIDE 2nd Hand Store 486-3133
EBEL Arthur & Arlene 486-3270
EICHOLTZ Dave & Linda 102 4 Av NE 486-3399
EISEMANN Kelly 413 Water St E 486-3291
EISSINGER G A & Frieda B 101 Water St E 486-3342
EISSINGER Gerald & Sandra farm 486-3368
ENGLISH Lutheran Church 486-3112

F

FANDRICH Rao & Sandra farm 486-3343
FARM Verified Organic RR 486-3578
Fax Line 486-3580
FARM Verified Organic-E Mail RR 486-3576
FARMERS Union Co-Op Oil Co 401 1 Av S 486-3141

FIRE

911

FISCHER Jerry & June 703 Clinic St 486-3374
FISHER Lynn & Hazel 106 3 Av NW 486-3242
FLEGEL LeRoy E & Valerie 108 7 Av NE 486-3113
FLEMMER J K & Esther 486-3258

G

GILBERTSON Alma 406 Sampson St NE 486-3384
GIL'S Bar 486-3206

GOVERNMENT

See Blue Government Section Page 101
GRAF Darrell 101 3 Av NW 486-3264
GUDMESTAD Dean & Diana 108 City Trir Ct 486-3257
GUMS Phyllis 413 Water St E 486-3208
GUNDERSON Myron & Carmen 202 College St SE 486-3149
GUTHMILLER Delton 486-3244
GUTHMILLER Gene & Brenda 604 Clinic St E 486-3302
Fax 486-3544
Shop 486-3177
GUTHMILLER Pat 101 4 Av NE 486-3439
Paul 108 Hillside St SW 486-3441
Richard 507 Water St W 486-3483
GUTHMILLER Travis 486-3306
Farm 486-3493
GUTHMILLER Violet 206 School St SW

MEADOW, SD

MEDINA

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
MEDINA, NORTH DAKOTA

Technical Narrative

This technical narrative and associated exhibits have been prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 222C (92.3 MHz) to Medina, North Dakota.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 222C to Medina, North Dakota. Medina is located in Stutsman County, North Dakota and has a 1990 U.S. Census population of 387 persons. Medina has no local FM stations and no local AM stations. Therefore, Petitioner's proposal would be a first local FM broadcast service and first local aural broadcast service to Medina. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Medina, North Dakota	--	222C

The proposed channel 222C reference point is located 231 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada may be necessary.

Compliance With FCC Rules

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 222C at Medina. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed stations and allotments.

Figure 2 is a map showing the area to locate channel 222C at Medina in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on minimum Class C facilities (ERP 100 kW/HAAT 300 m). The Medina city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 222C can be allotted to Medina, North Dakota in compliance with all applicable Commission Rules.


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd.
Suite 700
Sarasota, Florida 34236

November 9, 1998

TECHNICAL EXHIBIT
IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND THE FM TABLE OF ALLOTMENTS
MEDINA, NORTH DAKOTA

FM SEPARATION STUDY

Job Title : Proposed Medina, ND

Separation Buffer 50 km

FCC DB Date : 11/07/98

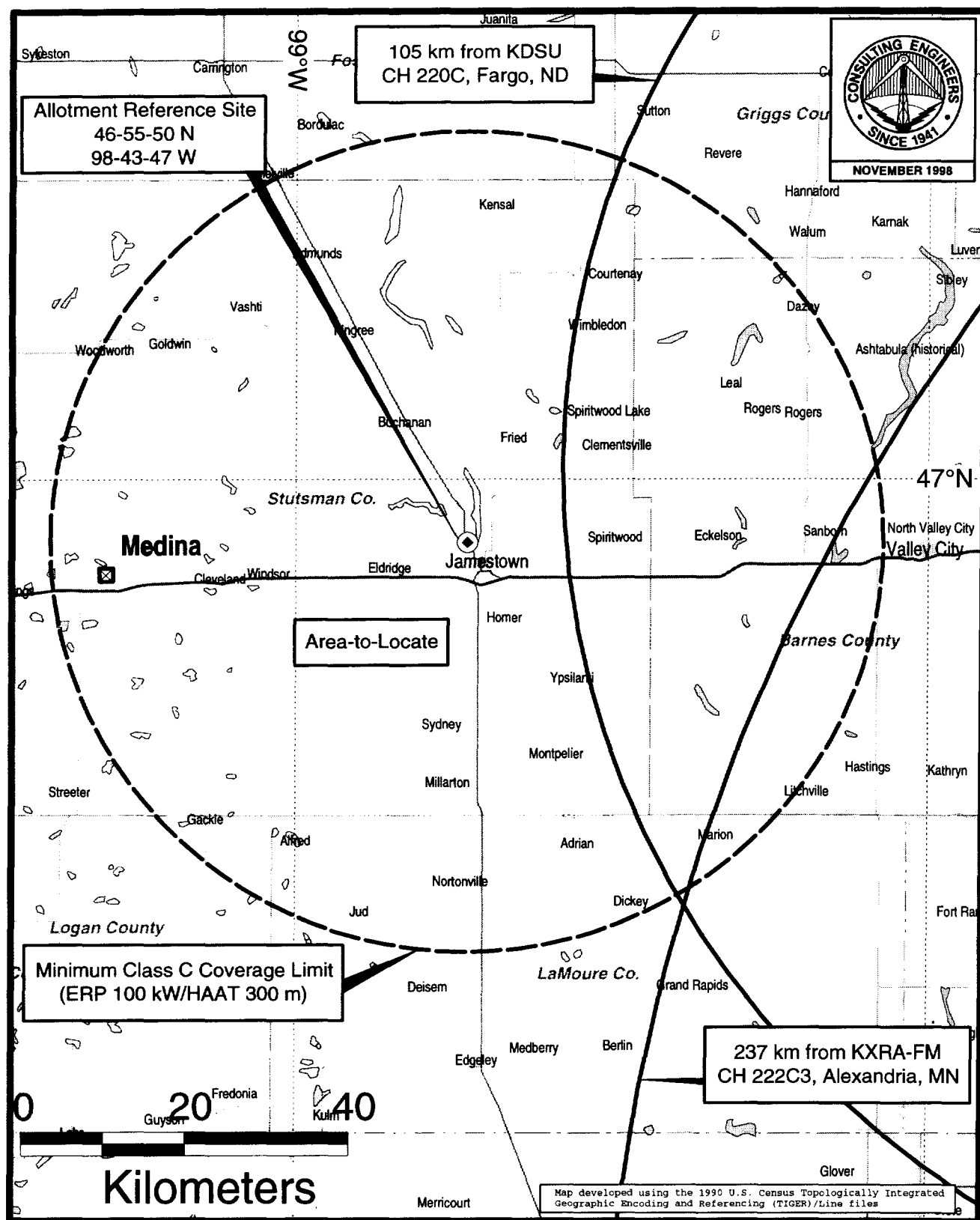
Channel 222C (92.3 MHz)

Coordinates : 46-55-50 98-43-47

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
K219AX LIC	Lakota ND	BLFT861124TB	219D 91.7	.072 55.0	DA 48-02-30 98-20-33	13.1	126.94 .00	0 TRANS
TRANSLATOR FOR KFJMF, GRAND FORKS, ND.								
KDSU LIC	Fargo ND	BLED820621AB	220C 91.9	100. 302.0	47-00-48 97-11-37	84.9	117.27 12.27	105 CLOSE
K220FD LIC	Harvey ND	BLFT960319TG	220D 91.9	.008 52.0	47-46-18 99-55-59	316.3	130.44 .00	0 TRANS
Translator for KMPR, Minot, ND								
KLQP LIC	Madison MN	BLH980706KB	221C3 92.1	25.0 91.0	45-01-37 96-11-15	136.2	289.11 113.11	176 CLEAR
K222AH CP	Beulah ND	BPFT961125TC	222D 92.3	0.01 138.0	47-18-23 101-43-35	281.5	231.22 .00	0 TRANS
Translator for KSLT, Spearfish, SD.								
K222AH APP	Beulah ND	BMPFT970821TH	222D 92.3	.14 137.0	47-18-23 101-43-37	281.5	231.27 .00	0 TRANS
Translator for KSLT, Spearfish, SD.								
KXRAFM LIC	Alexandria MN	BLH900918KB	222C3 92.3	13.5 136.0	45-55-55 95-26-42	112.6	275.79 38.79	237 CLEAR
KXKK CPM	Park Rapids MN	BMPH980413IC	223C3 92.5	25. 100.0	46-55-42 95-00-22	88.7	283.58 107.58	176 CLEAR
From Channel 223A-One-Step Application B1 was accepted on 931014								
KPHT LIC	Kindred ND	BLH930708KB	224C3 92.7	25.0 100.0	46-39-38 96-43-01	100.4	156.59 60.59	96 CLEAR
KYYY LIC	Bismarck ND	BMLH870624KC	225C 92.9	100. 360.0	46-36-19 100-48-30	257.9	162.85 57.85	105 CLEAR

** End of separation study for channel 222C **

Figure 2



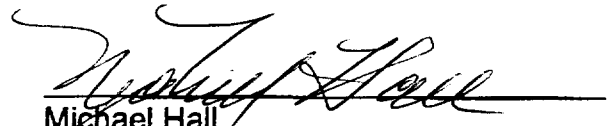
AREA-TO-LOCATE
CHANNEL 222C
MEDINA, NORTH DAKOTA
 du Treil, Lundin & Rackley, Inc., Sarasota, Florida

DECLARATION OF MICHAEL HALL

I, Michael Hall, declare as follows:

1. I am President of High Plains Broadcasting, Inc. ("HPBI").
2. HPBI intends to apply for a construction permit for the channel requested in the attached Petition upon adoption of the proposed rule making.
3. If awarded the construction permit, HPBI will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Michael Hall

Executed this 18th day of November, 1998.